

From: Peter F. Dubuque
To: Microsoft ATR
Date: 1/28/02 10:05am
Subject: Microsoft Settlement

I am writing to oppose the proposed settlement in the antitrust case against Microsoft. The company has been twice found guilty of violations of the Sherman Antitrust Act. I believe the proposed settlement is grossly inadequate in preventing future violations of the law. It does nothing to ensure a viable software market in which companies other than Microsoft can develop an innovative new product without facing the threat of Microsoft rolling out a free knockoff embedded in the operating system. It does nothing to ensure that alternative products have the information needed to interoperate with Microsoft products. It does nothing to address the fact that the consumer marketplace is impoverished by other companies' inability to compete against Microsoft in the present state of the market. And it provides no significant obstacle to further violations of the law. (If the consent decree is violated, it gets extended two years...what kind of remedy is *that*?)

Any reasonable settlement should at the very least include the following:

- Complete and accurate documentation of *all* Microsoft file formats and interfaces, to allow competing products to operate in conjunction with them
- Prohibition of deliberate measures taken to prevent interoperability with non-Microsoft products
- Prohibition of anti-competitive pricing of Microsoft products (e.g. discounts on licenses to companies who agree to not use competing products such as Linux)

Ideally, I'd also like to see a ban on any product or company acquisitions by Microsoft, or any joint ventures with other companies that might allow Microsoft to leverage its monopoly to enter a new market (e.g. transaction fees for electronic commerce or home entertainment).

Microsoft has been found guilty of antitrust. I find it utterly unconscionable that the DOJ, having won its case, is willing to throw out years of work with the utterly inadequate settlement it has proposed.

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